



Comptroller General
of the United States

Washington, D.C. 20548

Mr. Formica

Decision

Matter of: National Medical Staffing, Inc.

File: B-242467

Date: January 14, 1991

Dr. Gloria M. Bertacchi for the protester.
John Formica, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

Small business concern's protest against its rejection as nonresponsible under solicitation for dental services is dismissed where the protester was determined to be nonresponsible by the contracting agency, and the matter of the protester's responsibility has been referred to the Small Business Administration (SBA) for possible issuance of a certificate of competency, because SBA's authority in this regard is conclusive.

DECISION

National Medical Staffing, Inc., a small business concern, protests its rejection as nonresponsible under request for proposals (RFP) No. N62645-90-R-0013, issued by the Naval Medical Logistics Command, Department of the Navy, for dental services.

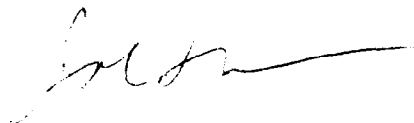
We summarily dismiss the protest without obtaining a full agency report because based on the information provided by the agency, it is clear that the protest does not state a valid basis. Bid Protest Regulations, 4 C.F.R. § 21.3(m) (1990).

In order for a firm to be eligible to receive an award, it must be determined responsible. Federal Acquisition Regulation § 9.103. When an agency makes a determination that a small business concern is nonresponsible, it is required by law to refer that determination to the Small Business Administration (SBA) for consideration under its certificate of competency (COC) procedures. 15 U.S.C. § 637(b)(7) (1988). The Navy has done so here. The SBA, not our Office, has conclusive statutory authority to review a contracting officer's finding of nonresponsibility, and SBA's determination to issue or refuse to issue a COC is conclusive with respect to all aspects of a small business concern's

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responsibility. Id. The burden is on the small business to apply for a COC from the SBA in order to avail itself of the protection offered against unreasonable determinations of the contracting officer. Zan Mach. Co., Inc.--Request for Recon., B-229705.2, Jan. 19, 1988, 88-1 CPD ¶ 50. Since the SBA's jurisdiction over these matters under its COC procedures is conclusive, we generally will not review an agency's determination that a small business is not responsible. Logistics Movers, Ltd., B-231481, July 7, 1988, 88-2 CPD ¶ 23.

The protest is dismissed.



John Brosnan
Assistant General Counsel